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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NATHANIEL SEAN BOWDEN, ) No. C 07-5269 MEJ  
JUNELLE HARRIS, )

Plaintiffs, )

v. )

JOINT CASE MANAGEMENT  
STATEMENT; PROPOSED ORDER

ROBIN L. BARRETT, Field Office )  
Director, USCIS San Francisco District )  
Office; EMILIO T. GONZALEZ, Director, )  
U.S. Citizenship and Immigration Services; )  
MICHAEL CHERTOFF, Secretary, )  
Department of Homeland Security; )  
ROBERT S. MUELLER, Director, Federal )  
Bureau of Investigation; MICHAEL B. )  
MUKASEY,\* U.S. Attorney General, )

Defendants. )

The parties hereby submit the Joint Case Management Statement. The parties respectfully ask the Court to adopt the Statement without need for a Case Management Conference.

1. Jurisdiction and Service: There are no issues concerning personal jurisdiction or venue. Plaintiffs brought this Complaint under 28 U.S.C. §§ 1331 and 1361, the Administrative Procedure

\*Pursuant to Fed. R. Civ. P. 25(d)(1), Michael B. Mukasey is substituted for his predecessor, Alberto Gonzales, as the United States Attorney General.

CASE MANAGEMENT STATEMENT  
No. C 07-5269 MEJ

1 Act, and 28 U.S.C. § 2201. All parties have been served.

2 2. Facts: On September 1, 2004, Plaintiff Harris filed an I-130 petition on behalf of Plaintiff  
3 Bowden, who simultaneously applied for adjustment of status. The I-130 petition was granted on  
4 December 20, 2006. On October 16, 2007, Plaintiffs filed the instant Complaint. Plaintiff Bowden's  
5 name check remains pending with the FBI.

6 3. Legal Issues: The principal legal issue the parties dispute is whether the Court has  
7 jurisdiction to compel agency action in this case and if so, whether a writ a mandamus should issue  
8 to remedy Defendants' alleged unreasonable delay in adjudicating Plaintiffs' applications.

9 4. Motions: None.

10 5. Amendment of Pleadings: None.

11 6. Evidence Preservation: None.

12 7. Disclosures: The parties are in the process of complying with the initial disclosure  
13 requirements under Fed. R. Civ. P. 26. Initial disclosures must be completed by the close of  
14 business on January 17, 2008.

15 8. Discovery: The parties will complete their discovery requests by January 17, 2008.

16 9. Class Actions: Not applicable.

17 10. Related Cases: None.

18 11. Relief: Plaintiffs ask the Court to direct the agency to adjudicate Plaintiff Bowden's  
19 adjustment of status applications and ask for an award of attorneys' fees. This case does not involve  
20 damages.

21 12. Settlement and ADR: The parties filed a Joint Request to Be Exempt From Formal ADR  
22 on January 3, 2008.

23 13. Consent to Magistrate Judge for All Purposes: The parties have consented to assignment  
24 of this case to a magistrate judge.

25 14. Other References: None.

26 15. Narrowing of Issues: None.

27 16. Expedited Schedule: The parties believe this matter can be solved through motions.

28 17. Scheduling: The parties suggest the following dates:

1 Plaintiffs' Motion for Summary Judgment: February 21, 2008

2 Defendants' Opposition and Cross Motion: March 6, 2008

3 Plaintiffs' Reply: March 13, 2008

4 Defendants' Reply, if any: March 20, 2008

5 The parties request the Court to take the matter under submission without oral argument. Should  
6 the Court desire oral argument, the parties respectfully suggest the following date: April 3, 2008,  
7 at 10:00 a.m.

8 18. Trial: The parties believe the matter can be resolved through the motions for summary  
9 judgment.

10 19. Disclosure of Non-party Interested Entities or Persons: None.

11 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this  
12 matter: None.

13 Dated: January 15, 2008

Respectfully submitted,

14 JOSEPH P. RUSSONIELLO  
15 United States Attorney

16 /s/  
17 MELANIE L. PROCTOR<sup>1</sup>  
18 Assistant United States Attorney  
Attorneys for Defendants

19 Dated: January 15, 2008

20 /s/  
21 ROBERT JOBE  
22 Attorney for Plaintiffs

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<sup>1</sup>I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

**PROPOSED CASE MANAGEMENT ORDER**

The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as the Case Management Order for the case, and the parties are ordered to comply with this Order. The Case Management Conference scheduled for January 24, 2008 is hereby VACATED. The matter will be taken under submission at the close of the briefing schedule.

Date:

MARIA-ELENA JAMES  
United States Magistrate Judge

**ALTERNATIVE PROPOSED CASE MANAGEMENT ORDER**

The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as the Case Management Order for the case, and the parties are ordered to comply with this Order. The Case Management Conference scheduled for January 24, 2008 is hereby VACATED. The motions shall be heard on Thursday, April 3, 2008, at 10:00 a.m..

Date:

MARIA-ELENA JAMES  
United States Magistrate Judge